IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

APPEAL FROM ORDER NO.941 OF 2004

Ramesh Madhav Shrivastava & Anr. ... Appellants

V/s.

Municipal Corporation of
Greater Bombay ... Respondent

Mr.P.S. Dani for Appellants
Mr.J. Xavier for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 1, 2004**

P.C.:

. The order challenged is one on a Notice of Motion taken out by the appellant for protecting the suit structure against which a notice under section 351 of the Mumbai Municipal Corporation Act was issued. According to the plaintiff, the notice has been issued at the behest of the owner and not because the Mumbai Municipal Corporation found that the suit structure was offending.

2. Mr.Dani, learned Counsel for appellant No.1 on instructions from the appellant No.1 who is present in Court, states that some time may be given to the appellants to demolish the structure. He submits that the appellants will make alternate arrangements within the time stipulated by the Court and furnish an

undertaking to that effect.

3. This suggestion seems to be fair. The appellants shall file their respective undertakings within two weeks from today averring that they would demolish the suit structure by 30.4.2005. Similar undertakings shall be given by all adult members of the family of the appellants. The appellants and the members of their family shall also undertake not to create any third party rights, title or interest in the suit structure. In the event of any default on the part of the appellants in removing the suit structure by 30.4.2005, the Corporation may demolish the same without further notice to the appellants.

4. Appeal from Order is disposed of accordingly.

5. In view of the Appeal from Order being disposed of, nothing survives in Civil Application No.1289 of 2004 and the same stands disposed of accordingly.

6. Parties be provided authenticated copy of this order.